

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 07-0298

ELECTRONICALLY FILED

v.

DAVID CUNNINGHAM,

Defendant.

Order of Court

Based upon the parties proffers as set forth in the government's Notice of Evidence It Intends to Introduce at Trial Pursuant to Rules 404(b), 414, 609 and Proposed Limiting Instruction (doc. no. 82), and defendant's response thereto (doc. no. 98), which the Court deems as a motion in limine, the Court will deny the motion in limine and will allow the government to present the evidence it offers in its Notice of Evidence, subject to any developments at trial that would suggest the contrary. The Court will use the government's proposed limiting instruction, unless the parties agree to an alternative proposed limiting instruction, or defendant submits a proposed counter instruction. Any such proposed joint limiting instruction or counter instruction shall be filed by March 25, 2010.

SO ORDERED this 22nd day of March, 2010.

s/Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: All Registered ECF Counsel and Parties

